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May 7, 2012

BY ECF

Hon. Therese Wiley Dancks
United States Magistrate Judge
United States District Court,
Northern District of New York
100 S. Clinton Street
Federal Building and U.S. Courthouse
Syracuse, NY 13261-7346

Re: Utica Mutual Ins. Co. v. INA Reins. Co.
6:12-cv-00194-DNH-TWD

Dear Judge Dancks:

We write on behalf of the parties to advise this Court that yesterday (May 1, 2012), the Second Circuit denied Utica Mutual Insurance Company's ("Utica's") petition for reconsideration in the matter captioned *Application of Utica Mutual Insurance Company for an Order Disqualifying Chadbourne & Parke LLP*, No. 10-4164-cv (the "SDNY Proceeding"). Given this development, there is no longer any impediment to this Court considering the request by R&Q Reinsurance Company ("R&Q") for leave to provide supplemental briefing in connection with Utica's pending motion for a preliminary injunction. As the Court may recall, discussion of R&Q's request was deferred during the April 6, 2012 status conference because Utica had filed a petition for reconsideration, which, depending on how it was decided, could have affected the availability of the information that would be the focus of R&Q's supplemental briefing.



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Walter Andrews, Utica's counsel, reviewed this letter in draft and agrees that, once the mandate is issued by the Second Circuit, Utica's previously-pending rehearing petition would no longer be an impediment to the Court considering R&Q's request. Utica has previously set forth its position about R&Q's request for supplemental briefing. Dkt. No. 55, Section 11.

Respectfully submitted,



John F. Finnegan

cc: Walter Andrews, Esq.
Syed Ahmad, Esq.
Patrick McDermott, Esq.
Thomas J. Hall, Esq.
Robert Schwinger, Esq.
Michael Samalin, Esq.

